

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE SCOTT FETZER COMPANY,)	
)	Civil Action
Plaintiff)	No. 02-cv-02917
)	
vs.)	
)	
RAYMOND G. GEHRING,)	
doing business as)	
NORTHEASTERN VACUUM CLEANER)	
COMPANY,)	
)	
Defendant)	

O R D E R

NOW, this 27th day of June, 2003, upon consideration of Plaintiff Scott Fetzer's Motion for Summary Judgment, Default, and Rule 37 Sanctions, which motion was filed June 6, 2003, which motion is unopposed¹; upon consideration of Plaintiff Scott Fetzer's Memorandum in Support of Motion for Summary Judgment, Default, and Rule 37 Sanctions, which accompanied plaintiff's motion; upon consideration of the Appendix of Exhibits in Support of Plaintiff's Motion for Summary Judgment, Default, and Rule 37 Sanctions, which accompanied the motion; upon consideration of the Affidavit of Robert G. Shumay and Exhibits A through I in Support of Plaintiff's Motion for Summary Judgment, Default, and Rule 37 Sanctions, which accompanied the motion; upon consideration of the Declaration of Arthur F. Tredinnick and Exhibits A through L in Support of Plaintiff's Motion for Summary Judgment, Default, and Rule 37 Sanctions, which accompanied plaintiff's motion; and after oral argument held this date; it appearing that plaintiff is seeking injunctive relief, attorney's

¹ Pro se defendant Raymond G. Gehring, doing business as Northeastern Vacuum Cleaner Company, neither filed a response to the motion, opposition brief, nor appeared at oral argument this date.

fees, and costs, but not other money damages, for defendant's trademark infringement,

IT IS ORDERED that plaintiff's motion for summary judgment is granted.²

BY THE COURT:

James Knoll Gardner
United States District Judge

² By separate Order of this date the undersigned has entered a decree and injunction enjoining defendant from continuing infringements. At oral argument this date counsel for plaintiff Christina J. Moser, Esquire advised the court that among the three types of relief requested in plaintiff's motion (summary judgment, default and Rule 37 sanctions), plaintiff prefers a ruling on the merits. Accordingly, it is not necessary for us to decide plaintiff's request for default and Rule 37 sanctions.